UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR 24 AM 10:32
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Martin SALVADOR-Baragas,** Defendant	)	Magistrate Docket No. 08 MJ 0907 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 21, 2008** within the Southern District of California, defendant, **Martin SALVADOR-Baragas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **MARCH 2008**

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Martin SALVADOR-Baragas

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 21, 2008, while performing line watch duties, Border Patrol Agent N. Edmonson was performing a drag of the border road when National Guard scope spotted three subjects walking north of the United States/Mexico International Border. National Guard scope advised Agent Edmonson that the subjects were north of the primary border road near the secondary border road. Agent Edmonson was driving westbound on the secondary border road when the National Guard scope advised him to stop. Upon stopping, Agent Edmonson looked out of his driver's window and witnessed the subjects jump to their feet and begin running south towards Mexico. Agent Edmonson identified himself as a Border Patrol Agent and instructed them to stop and then pursued the subjects on foot. Agent Edmonson apprehended two of the subjects and proceeded to conduct a field interview. Agent Edmonson questioned both subjects. Each subject stated that they were citizens and nationals of Mexico present in the United States illegally without the proper Immigration documents. Both subjects were arrested and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 11, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on March 22, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 21, 2008**, in violation of Title **8**, United States Code, Section **1326**.

William McCurine, Jr.
United States Magistrate Judge

3/22/08, 1333 hrs
Date/Time